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UNITED STATES PATENT AND TRADEMARK OFFICE

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10/759,553	01/16/2004	Morgan Perry	AA-25	8102

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>01/16/2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____ .

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Claim Objections

1.   Claim 8 objected to because of the following informalities: In line 1 of claim 8,

the phrase "collecting search terms includes" should have been written either "

collecting search terms includes" or "a collecting search term includes". Appropriate

correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-11, 13-18 and 20 are rejected under 35 U.S.C. 102(b) as being

anticipated by Koopersmith (2001/0042002).

With respect to claim 1, Koopersmith teaches a method of distributing Internet

advertisement of users, each associated with a unique identifier, the method

comprising:

providing an advertisement(paragraphs [0026] and [0027], lines 1-2)

Koopersmith's reference teaches providing advertisement information to a targeted

audience with the choice of prices for the specific product via Internet, which is the

same as claimed invention;

associating a web search term with the advertisement, such that user employing

the term in a search are desired recipients of the advertisement (paragraph [0092] and

Fig. 6); Koopersmith's reference teaches that consumer requested to search "two slice toaster ovens" and information requested is transmitted via network and consumer received product description, suppliers that offer the product, pricing, warranty information and product review in response his/her request;

collecting search terms employed by search user at a search facility (paragraph [0123]); Koopersmith's reference teaches that search terms employed by search user, are collected based on user's profile at a search facility, such as wedding anniversary of consumer, what medication consumer takes and so on, and based on collected terms user selects his/her search terms, which is the same as claimed invention.

in response to a user visiting a publisher web site, determining if the user has employed the search term (paragraph [0092] and Fig. 6). Koopersmith's reference teaches that in respond to user visiting web site, user has employed search term, which is "two slice toaster ovens" and information requested is transmitted via network and the search result such as product description, suppliers that offer the product, pricing, warranty information and product review displayed, which is the same as claimed invention; and

if the user has employed the search term, then serving the advertisement to the user (paragraph [0092] and Fig. 6). Koopersmith's reference teaches that in respond to user visiting web site, user has employed search term, which is "two slice toaster ovens" and information requested is transmitted via network and the search result such as product description, suppliers that offer the product, pricing, warranty information and product review displayed, which is the same as claimed invention.

With respect to claim 2, Koopersmith teaches all elements of claim 1. Furthermore, Koopersmith teaches a method including storing in a database the search terms used by each user in association with the unique identifiers of each user (paragraph [0049]-[0086]). Koopersmith's reference teaches that user demographic data, which is user's unique identifier and system preference, which is search terms stored in separate storage are, with the proper authorization the two half is united, which is the same as claimed invention.

With respect to claim 3, Koopersmith teaches all elements of claim 1. Furthermore, Koopersmith teaches the method wherein determining if the user has employed the search term includes collecting the user unique identifier in response to the user visiting the publisher web site, and querying the database for information about the search terms employed by the user (paragraph [0089] and [0092]). Koopersmith's reference teaches user employ search term, which is "two slice toaster ovens" or golf equipment, includes collecting the user unique identifier, which is users demographic data in response to the user visiting the published web site and querying the database, which is datamart, which is the same as claimed invention.

With respect to claim 4, Koopersmith teaches all elements to claim 1. Furthermore, Koopersmith teaches the method including providing a plurality of advertisements, each having different associated search term (paragraph [0099]). Koopersmith's reference teaches a request for any product or service that user desire associated with term (e.g. two slice toaster oven associated with first request, pick up children, and pizza delivery), which is the same as claimed invention.

With the respect to claim 5, Koopersmith teaches all elements of claim 1. Furthermore, Koopersmith teaches the method including providing a plurality of different database, each containing a plurality of unique identifier, and each database associate with a different advertisement (paragraph [0090] and [0091]). Koopersmith's reference teaches each of users can edit their own record containing user's demographic profile, unique identifier and information relating to product or service that user have previously requested, which is the same as claimed invention.

With respect to claim 6, Koopersmith teaches a method of distributing Internet advertisement to users comprising:

collecting search terms employed by users of a search engine or search provider or its distribution partners web site(s) (paragraph [0123]); Koopersmith's reference teaches that search terms employed by search user, are collected based on user's profile at a search facility, such as wedding anniversary of consumer, what medication consumer takes and so on, which is the same as claimed invention.

based on the collected search terms, assigning each user to a selected advertising strategy (paragraph [0025] and [0026]); Koopersmith's reference teaches base on collected search terms, user receives a description of requested product and if he/she decides to purchase the product or service the system assign each user to select preferred product, which is the same as claimed invention.

in response to a user visiting to a publisher web site, enacting the selected advertising strategy (paragraphs [0096] and [0119]). Koopersmith's reference teaches in

response to a user visiting to a publisher web site, user received selected advertisement only, which is the same as claimed invention.

With respect to claim 7, Koopersmith teaches all elements of claim 6. Furthermore, Koopersmith teaches the method wherein collecting a unique identifier associated with each user (paragraphs [0049]-[0085] and [0100], lines 1-3). Koopersmith's reference teaches that user demographic data, which is user's unique identifier, which is the same as claimed invention.

With respect to claim 8, Koopersmith teaches all elements of claim 6. Furthermore, Koopersmith teaches the method wherein collecting search terms includes collecting combinations of multiple search terms (paragraph [0123]); Koopersmith's reference teaches that search terms employed by search user, are collected based on user's profile at a search facility, such as wedding anniversary of consumer, what medication consumer takes and so on, which is a combination of multiple search terms and the same as claimed invention.

With respect to claim 9, Koopersmith teaches all elements of claim 6, including the method wherein if the user has employed any of the search terms, associated with an advertisement, and if the user has employed any of the search terms, assigning the user to an advertising strategy that includes serving the advertisement to the user. Furthermore, Koopersmith teaches a method wherein assigning each user to an advertising strategy includes comparing a set of search terms associated with advertisement (paragraph [0093], lines 11-14). Koopersmith's reference teaches

comparing product, which is advertisement information in response to requested

information, which is the same as claimed invention.

With respect to claim 10, Koopersmith teaches all elements of claim 6.

Furthermore, Koopersmith teaches the method wherein assigning each user to an

advertising strategy occurs before the user visits the publisher web site (paragraphs

[0112] and [0120]). Koopersmith's reference teaches assigning each user to advertising

strategy by sending advertisement material via e-mail, which is assigning each user to

an advertising strategy and the same as claimed invention.

With respect to claim 11, Koopersmith teaches all elements of claim 6.

Furthermore, Koopersmith teaches a method including providing a plurality of selected

advertisement, each associated with a selected advertising strategy in which none of

the selected advertisement are served (paragraphs [0026] and [0027]) Koopersmith's

reference teaches providing a particular product or service or a range of products and

services, which is providing a plurality of selected advertisement, which is the same as

claimed invention.

With respect to claim 13, Koopersmith teaches all elements of claims 6 and 11.

Furthermore, Koopersmith teaches the method wherein enacting the advertising

strategy includes serving no advertisement if the search terms do not relate to one of a

collection of selected advertisement (paragraph [0097]). Koopersmith's reference

teaches user is provided with non-responsive information in related to search request,

which is the same as claimed invention.

With respect to claim 14, Koopersmith teaches all elements of claim 6. Furthermore, Koopersmith teaches a method wherein assigning each user to an advertising strategy includes assigning at least some of the users to a strategy of serving no advertisement (paragraph [0027], lines 23-29). Koopersmith's reference teaches user, who are not interested in the product or service will not provided with unwanted advertising message, which is the same as claimed invention.

With respect to claim 15, Koopersmith teaches all elements of claim 6. Furthermore, Koopersmith teaches the method wherein enacting the selected advertising strategy include serving the user an advertisement at a different time than providing search results in response to a search request (paragraphs [0112] and [0120]). Koopersmith's reference teaches enacting the selected advertising strategy by sending advertisement material via e-mail, which is the same as claimed invention.

With respect to claim 16, Koopersmith teaches a method of distributing Internet advertisement to users comprising:

collecting search terms employed by users to a sear facility(paragraph [0123]); Koopersmith's reference teaches that search terms employed by search user, are collected based on user's profile at a search facility, such as wedding anniversary of consumer, what medication consumer takes and so on, which is the same as claimed invention;

collecting a unique identifier associated with each user(paragraphs [0049]-[0085] and [0100], lines 1-3). Koopersmith's reference teaches that user demographic data, which is user's unique identifier, which is the same as claimed invention.

storing the search terms and unique identifiers in a database, with each identifier associated with the search terms employed by the associated user(paragraph [0049]-[0086]). Koopersmith's reference teaches that user demographic data, which is user's unique identifier and system preference, which is search terms stored in separate storage are, with the proper authorization the two half is united, which is the same as claimed invention;

generating a plurality of selected advertising strategies, each with an associated desired search term (paragraphs [0075]-[0083]); Koopersmith's reference teaches advertising strategy associated with desired search terms, which is the same as claimed invention.

assigning identifiers associated with one of the desired search terms to an associated on of the advertising strategies (paragraph [0118], lines 21-25); Koopersmith's reference teaches identifying an advertising information relevant to the request or interest of users, which is the same as assigning identifiers associated with search term and same as claimed invention; and

in response to a user visiting a publisher web site, determining the user's unique identifier, searching the database to determine an assigned advertising strategy, and serving an advertisement to the user based on the strategy(paragraphs [0049]-[0086] and [0100], lines 1-3). Koopersmith's reference teaches in response to a user visiting a publisher web site, user demographic data, which is user's unique identifier, is used to search the database, which is the same as claimed invention.

with respect to claim 17, Koopersmith teaches all elements of claim 16.

Furthermore, Koopersmith teaches a method wherein collecting search terms includes

collecting combinations of multiple search terms (paragraph [0123]); Koopersmith's

reference teaches that search terms employed by search user, are collected based on

user's profile at a search facility, such as wedding anniversary of consumer, what

medication consumer takes and so on, which is a combination of multiple search terms

and the same as claimed invention.

With respect to claim 18, Koopersmith teaches all elements of claim 16.

Furthermore, Koopersmith teaches the method wherein assigning each user to an

advertising strategy occurs before the user visits the publisher web site (paragraphs

[0112] and [0120]). Koopersmith's reference teaches assigning each user to advertising

strategy by sending advertisement material via e-mail, which is the same as claimed

invention.

With respect to claim 20, Koopersmith teaches all elements of claims 16 and 19.

Furthermore, Koopersmith teaches the method wherein the default advertising strategy

includes serving an advertisement other than the selected advertisements if the search

terms do not related to one of a collection of selected advertisements (paragraph

[0112]). Koopersmith's reference teaches displaying the default advertising strategy,

which includes banner advertisement to serve advertisement other than selected

advertisement, which is the same as claimed invention.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Koopersmith (2001/0042002) in view of Hurt et al. (7,050,989)

With the respect to claim 12, Koopersmith teaches all elements of claims 6 and

11 except a method wherein the default advertising strategy includes serving an

advertisement other than the selected advertisement if the search terms do not relate to

one of a collection of selected advertisements. Hurt teaches a method wherein the

default advertising strategy includes serving an advertisement other than the selected

advertisement if the search terms do not relate to one of a collection of selected

advertisements (col. 9, lines 45-55 and Fig. 5, 516). Hurt's reference teaches default

advertising strategy serve a default result receives is selected content is not

represented in the database. It would have been obvious to one ordinary skill in the art

to modify Koopersmith's invention with Hurt's teaching reference for the purpose of

judging the effectiveness of each advertisement.

With respect to claim 19, Koopersmith teaches all elements of claim 16, except

providing plurality of selected advertisements, each associated with a selected

advertising strategy comprises a comprises a default strategy in which none of the

selected advertisements are served.

Hurt teaches a method wherein providing plurality of selected advertisement,

each associated with selected advertising strategy comprises a default strategy in which

none of the selected advertisement is served (col. 9, lines 45-55 and Fig. 5, 516).

Hurt's reference teaches default advertising strategy serve a default result receives is

selected content is not represented in the database. It would have been obvious to one

ordinary skill in the art to modify Koopersmith's invention with Hurt's teaching reference

for the purpose of judging the effectiveness of each advertisement.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

U.S Patent Number 2002/0002552 to Schultz et al. teaches Method and

Apparatus for a GIS based search Engine utilizing real time advertising.

U.S. Patent Number 2002/0072970 to Miller et al. Method and apparatus for

linking consumer product interest with product suppliers.

U.S Publication Number 2004/024909 to Donovan et al. teaches Method and

System for Dynamic Textual Ad Distribution via e-mail.

U.S. Publication Number 2002/0152126 to Lieu et al. teaches Token- Based

system for providing information to users.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Dagnew whose telephone number is (571) 270-3271. The examiner can normally be reached on Monday-Friday, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SD

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